

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of:)
Michael A. MOSKOWITZ, et al.) Group Art Unit: 1614
Application Number: 09/955,485) Examiner: To Be Assigned
Filed: September 19, 2001)
For: INCREASING CEREBRAL BIOAVAILABILITY OF DRUGS

02-04-02

SUBMISSION OF SMALL ENTITY DECLARATION AND REQUEST FOR REFUND

Commissioner for Patents
Washington, D.C. 20231

Sir:

Since Applicants are entitled to pay small entity fees as evidenced by the enclosed Verified Statement Claiming Small Entity Status, please refund one-half (\$1,318.00) of the late filing surcharge paid with the Response to Notification of Missing Requirements which was filed on February 22, 2002. This refund may be made directly to **Deposit Account No. 50-1640**. A duplicate copy of this letter is enclosed for this purpose.

Respectfully submitted,

BROBECK, PHLEGER & HARRISON LLP

By: 
Laurence H. Posorske
Registration No. 34,698

March 13, 2002
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VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN			Docket No. 031695.0031
Application No. 09/955,485	Filing Date September 19, 2001	Patent No.	Issue Date
Applicant/ Patentee: Michael A. Moskowitz et al.			
Invention: Increasing Cerebral Bioavailability of Drugs			
<p>I hereby declare that I am:</p> <p><input type="checkbox"/> the owner of the small business concern identified below.</p> <p><input checked="" type="checkbox"/> an official of the small business concern empowered to act on behalf of the concern identified below.</p>			
NAME OF CONCERN: eNOS Pharmaceuticals, Inc.			
ADDRESS OF CONCERN: 58 Charles Street, Cambridge, MA 02141			
<p>I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.</p>			
<p>I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the above-identified invention described in:</p> <p><input type="checkbox"/> the specification filed herewith with title as listed above.</p> <p><input checked="" type="checkbox"/> the application identified above.</p> <p><input type="checkbox"/> the patent identified above.</p>			
<p>If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).</p>			

Each person, concern or organization to which I have assigned, granted, conveyed or licensed or am under an obligation under contract or law to assign, grant, convey or license any rights in the invention is listed below:

No such person, concern or organization exists.
 Each such person, concern or organization is listed below.

FULL NAME _____

ADDRESS _____

Individual Small Business Concern Nonprofit Organization

FULL NAME _____

ADDRESS _____

Individual Small Business Concern Nonprofit Organization

FULL NAME _____

ADDRESS _____

Individual Small Business Concern Nonprofit Organization

FULL NAME _____

ADDRESS _____

Individual Small Business Concern Nonprofit Organization

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: _____

TITLE OF PERSON SIGNING: _____

OTHER THAN OWNER: _____

ADDRESS OF PERSON SIGNING: **58 Charles Street
Cambridge, MA 02141**

SIGNATURE: _____ DATE: _____